THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION Nos.27311, 27312, 27313, 27314, 27315, 27316, 27317, 27318, 27319, 27320, 27321, 27322, 27323, 27324, 27325, 27326, 27327, 27328, 27329, 27330, 27331, 27332, 27333, 27334, 27335, 27336, 27337, 27338, 27339, 27340, 27341, 27342 and 27343 of 2006

Date: 03rd January 2007

Writ petition No.27311 of 2006:

Between:
Sri S.Srinivasa Rao, s/o late Seetharam,
Aged 30 years, business, Shop No.5,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27312 of 2006:

Between:
Sri B.Somesh, s/o B.Vellaiah,
Aged 35 years, business, Shop No.16,
Janata Shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27313 of 2006:

Between:
Sri M.VijayKumar, s/o M.Dass,
Aged 40 years, business, Shop No.3,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27314 of 2006:

Between:
Sri M.S.S. Narayana, s/o M.Kondadu,
Aged 42 years, business, Shop No.4,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27315 of 2006:

Between:
Sri K.Srinivasa Rao, s/o Samudram,
Aged 38 years, business, Shop No.11,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27316 of 2006:

Between:
Sri M.Rama Rao, s/o Veerabhadra Rao,
Aged 39 years, business, Shop No.12,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27317 of 2006:

Between:
Sri PSN Murthy, s/o Nookayya Setty,
Aged 35 years, business, Shop No.18,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27318 of 2006:

Between:

Sri R. Appa Rao, s/o Pydaiah,
Aged 52years, business, Shop No.16,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27319 of 2006:

Between:
Sri G.Srihari Rao, s/o Nageswar Rao,
Aged 32 years, business, Shop No.29,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27320 of 2006:

Between:
Sri K.V.Prasad, s/o Bhaskar Rao,
Aged 32 years, business, Shop No.27,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27321 of 2006:

Between:
Sri B.Krishna Rao, s/o Jagannatha Rao,
Aged 47 years, business, Shop No.15,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27322 of 2006:

Between:
Sri M.Rama Rao, s/o Veerabhadra Rao,
Aged 39 years, business, Shop No.8,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27323 of 2006:

Between:
Sri MD. Moula, s/o Sabakareem,
Aged 42 years, business, Shop No.15,

Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27324 of 2006:

Between:
Sri K.Satyanarayana Murthy, s/o Krishna Murthy,
Aged 45 years, business, Shop No.10,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27325 of 2006:

Between:
Sri B.Sathyanarayana, s/o late Demudu,
Aged 50 years, business, Shop No.9,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27326 of 2006:

Between:
Smt.P.Sarojini Devi, d/o Uma Maheswara Rao,
Aged 51 years, business, Shop No.20,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27327 of 2006:

Between:
Sri B.Padmasree, w/o Krishna Rao,
Aged 35 years, business, Shop No.17,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27328 of 2006:

Between:
Sri M.V.Ramesh, s/o M.V. Rao,
Aged 35 years, business, Shop No.12,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27329 of 2006:

Between:
Sri D.V. Sagar, s/o Ramchander Rao,
Aged 35 years, business, Shop No.5,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27330 of 2006:

Between:
Sri G.P. Singh, s/o Bhagawan Singh,
Aged 50 years, business, Shop No.8,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27331 of 2006:

Between:
Sri B.Leelavathi, w/o B.R. Prasad,
Aged 40 years, business, Shop No.24,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27332 of 2006:

Between:
Sri B.V.S. Sekhar, s/o Nagabushana Rao,
Aged 36 years, business, Shop No.6,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27333 of 2006:

Between:
Sri B.V.S. raju, s/o Siva Satyanarayana,
Aged 39 years, business, Shop No.17,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27334 of 2006:

Between:
Smt. K.Jaya Prada, w/o Ugender,
Aged 35 years, business, Shop No.11,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27335 of 2006:

Between:
Sri B.R.Prasad, s/o Ram Dass,
Aged 45 years, business, Shop No.26,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27336 of 2006:

Between:
Sri B.Rama Sathyanaidu, s/o Narayana,
Aged 38 years, business, Shop No.7,

Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27337 of 2006:

Between:
Smt. B.Leelavathi, w/o B.R. Prasad,
Aged 40 years, business, Shop No.25,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27338 of 2006:

Between:
Sri M.Harikrishna, s/o Pasupathi,
Aged 29years, business, Shop No.28,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27339 of 2006:

Between:
Smt. G.Ananta Laxmi, w/o Koteswara Rao,
Aged 38 years, business, Shop No.18,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27340 of 2006:

Between:
Smt. V.Nagamani, w/o Dharma Rao,
Aged 35 years, business, Shop No.30,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27341 of 2006:

Between:
Sri D.Gopala Rao, s/o Rama Rao,
Aged 59 years, business, Shop No.19,
Janata shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27342 of 2006:

Between:
Smt. M.Seetha Kumari, w/o M.Srinivasa Rao,
Aged 30 years, business, Shop No.9,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

Writ petition No.27343 of 2006:

Between:

Sri S. Venkata Ramana Murthy, s/o Musalayya,
Aged 55 years, business, Shop No.13,
Old VUDA shopping Complex,
M.V.P. Colony, Visakhapatnam.

… Petitioner.

And

Visakhapatnam Urban Development Authority,
Represented by its Vice Chairman,
VUDA Bhavan, Siripuram,Visakhapatnam.

… Respondent.

* * *

COMMON ORDER:

Heard Sri Y.Srinivasa Murthy, learned counsel representing the writ petitioners in this batch of writ petitions and Smt.V.Preethi Reddy, learned Standing Counsel representing the respondent.

2. These matters appeared in the list on 29.12.2006.

Smt.V.Preethi Reddy had taken notice and requested time to get instructions.

3. Written instructions of the first respondent are placed before this Court. It is also stated by Smt. V.Preethi Reddy, learned Standing Counsel representing the respondent that if the petitioners agree for the space, floor and licence fee to be fixed by Visakhapatnam Urban Development Authority (VUDA), VUDA is prepared to rehabilitate to the extent of the petitioners by providing alternative allotment. The written instructions placed before this Court are hereby recorded.

4. This batch of writ petitions are filed by the respective petitioners questioning the impugned proceedings wherein the allotment of shops already made in favour of the respective petitioners had been cancelled on several grounds. It is stated that these writ petitioners have been carrying on their respective business in concerned premises. The details of which had been furnished in the affidavits filed in support of the writ petitions. It is also stated that these writ petitioners have been in peaceful possession and enjoyment of the respective premises and they have been regularly paying rents, taxes and other charges payable to the authorities. It is no doubt stated that in certain of cases the period already had been lapsed and in certain cases the periods are there till the month of March or even earlier thereto.

5. Several factual details are narrated and it is stated that by issuance of impugned proceedings, the fundamental rights of the

writ petitioners under Articles 14, 19(1)(g) and 21 of the Constitution of India had been violated. The counsel representing the respective writ petitioners had also pointed out acceptance letter. Except the lapse of period and allotment of different shops, almost the facts in all these matters being similar, these matters are being disposed of by a common order.

6. In the facts and circumstances of the case, it cannot be said that any legal rights of the writ petitioners in any way are infringed because even as per the averments made in the respective affidavits the period already had been lapsed in certain cases and the period is going to come to an end within short period.

7. Be that as it may, even in the light of the specific stand taken by the learned Standing Counsel representing the respondent, this court is of the considered opinion that without expressing any further opinion relating to this aspect, the writ petition be disposed of recording the instructions placed before this Court. It is specifically stated that if the petitioners agree for the space, floor and licence fee to be fixed by VUDA, VUDA is prepared to rehabilitate to the extent of the petitioners by providing alternative allotment. The said instructions are hereby recorded and in view of the same the writ petition is disposed of. No costs. However, in the facts and circumstances of the case for any reason if the writ petitioners are aggrieved of any conditions, which may be unjust and unreasonable, liberty is given to the writ petitioners to agitate the same if they are so advised.

(P.S.NARAYANA, J.)

Date: January 3, 2007.

Note:

Issue CC by three days.

//B.O.//

BSB